

From: Cameron Purdy
To: Microsoft ATR
Date: 1/9/02 10:31am
Subject: Proposed Settlement

To: Renata Hesse, Trial Attorney

I am submitting my comments as per the instructions in the Federal Register in regards to the pending case brought by states and the US Department of Justice against Microsoft.

1. I have read the findings of fact from the case, as penned by Judge Penfield Jackson, I have read the Final Judgment, as proposed by the United States and Microsoft, and I have read the proposed remedies from the nine states that rejected the United States/Microsoft proposed Final Judgment.
2. I concur that the proposed Final Judgment could potentially limit certain actions that Microsoft has historically employed against computer OEMs.
3. I find no other relationship between the known and accepted transgressions of Microsoft against antitrust law as presented and proved at trial, and the proposed Final Judgment.

It is my opinion that the proposed Final Judgment does not address most of Microsoft's illegal behaviors that were clearly documented at trial: It does not submit that such behaviors have taken place; it does not attempt to correct the past wrongs; it does not include any punitive measures; and lastly it does not attempt to prevent future transgressions.

On the other hand, the nine states' proposals are based on the conclusion that Microsoft has transgressed, that there must be actions taken to correct those transgressions, that punitive measures may be appropriate for those transgressions, and that it is necessary to provide a means to prevent or address future transgressions. While arguably flawed, the proposals are at least based on the known and proven transgressions, and at least attempt to respond to those transgressions. How could it be that the proposed Final Judgment negotiated by the US Department of Justice does not take the same approach? One must question where the proposed Final Judgment originated, since it certainly cannot have originated from the findings of the trial known as the United States of America v. Microsoft Corporation that many of us have so closely watched.

I submit that it would be far better for the United States to altogether drop the proposed Final Judgment and request dismissal of the case than to enter such a flawed and pointless document as a final judgment. The proposed Final Judgment does not provide any sense or form of justice; rather it represents an absolute mockery of our government's will to

enforce the law and lends credence to the growing chorus of voices that lament the influence of money and politics over those appointed to protect the interests of the people of the United States of America.

Respectfully submitted,

Cameron Purdy, President
Tangosol Inc.
402A Highland Ave
Somerville MA 02144 USA